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10/724,391

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EXAMINER

WONG, XAVIER S

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,391

Applicant(s)

GUSTAFSSON ET AL.

Examiner

Xavier S. Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1st Dec 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1st Dec 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date 23rd March 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

The information disclosure statement submitted on 23rd March 2004 has been considered by the Examiner and made of record in the application file.

Drawings

Figure 8 is objected to because in step S6 there is a typographical error for the term "accesses." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

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examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims **1 – 7, 9, 15 – 18, 22, 23, 28 and 29** are rejected under 35 U.S.C. 102(a) as being anticipated by **Ramaswamy (WO 02/098057 A2)**.

Consider claims **1, 15, 22 and 28**, **Ramaswamy** discloses a mobile IP based communication system and method with means to select access network for a mobile multi-access terminal (pg. 5 ln. 124; pg. 6 ln. 161-170; pg. 13 ln. 353-354; fig. 1 shows multi-access portable terminal 10) comprising means for requesting (receiving portable terminal information from a server 27), at a network management entity 26 (network-based selection unit), from a plurality of servers (fig. 1 items 27,28) which contains information (database) desired by portable terminal user (profile) stored (pg. 12 ln. 337-343); the server 27 transmits database information to the network management entity 26 (pg. 12 ln. 341-343; fig. 1 items 26,27); entity 26 selects a current optimized / best network via server 27 (or 28) database for the portable terminal user 10 (pg. 12 ln. 344-347); the portable terminal microprocessor 118 (access agent & manager) communicates with the entity 26 with indication (of a recommendation) of best access network on interface 124 (pg. 8 ln. 221-

225; pg. 10 ln. 263-269; pg. 11 ln. 306-320; fig. 2). The portable terminal microprocessor can send its terminal-specific (IP) information to the network management entity (pg. 7 ln. 203-207; pg. 8 ln. 208,219-221; pg. 10 ln. 283-286).

Consider claims **2, 16 and 23**, as applied to claims **1, 15 and 22**, **Ramaswamy** discloses the network management entity 26 (access selection unit) receives terminal-specific (IP) information from the portable terminal 10 microprocessor 118 (access agent) for selecting a best access network (pg. 7 ln. 203-207; pg. 8 ln. 208-210; pg. 10 ln. 284-292).

Consider claims **3 and 17**, as applied to claims **1 and 15**, **Ramaswamy** discloses executing an access selection algorithm based on predefined prioritization criteria (pg. 13 ln. 362-376; clm. 14).

Consider claims **4 and 29**, as applied to claims **1 and 28**, **Ramaswamy** discloses the portable terminal comprising microprocessor (access manager) determines an access network based on access network recommendation, user input references and/or priority information of the portable terminal (pg. 8 ln. 211-225; pg. 10 ln. 263-268,281-289).

Consider claim **5**, as applied to claim **1**, **Ramaswamy** discloses the intelligent content (profile) server 27 in figure 1 is connected to an associated server 28 database and therefore, collecting and adapting at least some database information to be read by the network management entity 26 (pg. 7 ln. 196-202; pg. 12 ln. 343-346).

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Consider claim 6, as applied to claim 1, **Ramaswamy** discloses the intelligent content server 27 (database) information comprises information desired by the portable end user (pg. 12 ln. 339-341).

Consider claim 7, as applied to claim 2, **Ramaswamy** discloses the terminal-specific information comprises geographic coverage (location) and network availability for the best-suited transmission path (pg. 12 ln. 331-335; fig. 2 item 124 location).

Consider claim 9, as applied to claim 1, **Ramaswamy** discloses the network-management entity 26 (access selection unit) may calculate / predict appropriate networks (present or "next best") based on optimizing criteria (priority) and communicates the calculation results (present or "next best") to the portable terminal with a microprocessor access agent and allow the portable terminal (based on the entity's predictions) to search for the "next best" network (pg. 8 ln. 208-211/216-218/222-224; pg. 13 ln. 362-376).

Consider claim 18, as applied to claim 15, **Ramaswamy** discloses means for predicting and communicating with a next best (future) access network for the portable platform based on information from contents server 27 (pg. 8 ln. 216-225; pg. 13 ln. 355-361).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims **8**, **10** and **19** are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by **Ramaswamy (WO 02/098057 A2)** in view of **Jiang (U.S. Pat 6,898,432 B1)**.

Consider claim **8**, as applied to claim **1**, **Ramaswamy** discloses the claimed invention except mentioning the mobile terminal resides in a vehicle and the terminal-specific information from the access agent comprises measurements from a device

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selected from a group of GPS device, a route sensor and a velocity sensor. **Jiang** discloses a vehicle GPS system with availability monitor / agent 34, route and speed sensing integrated position sensors 46 (col. 5 ln. 59-65; col. 6 ln. 38-40; col. 8 ln. 30-35; *abstract*; fig. 7 step 100; fig. 9 route). It would have been obvious to one of ordinary skill in the art to incorporate the teachings by **Jiang**, in the method of **Ramaswamy**, in order to choose the best network based on cost, availability and performance.

Consider claims 10 and 19, as applied to claims 2 and 16, **Ramaswamy** discloses the claimed invention including the network-management entity as an access selection unit. However, **Ramaswamy** did not explicitly mention the terminal-specific information comprises an indication of a current route further comprising steps of: an access selection unit determining which access networks that will be possible access candidates after a *predetermined period of time*; and the access selection unit suggesting, if there is no access candidate for at least a portion of the current terminal route, *an alternative terminal route* to the access agent. **Jiang** discloses a route dependent communications planning architecture (col. 4 ln. 53-55; fig. 5) comprising a coverage manager 42 and location manager 44 that determines whether access networks should be switched (to other candidates such as from WAN to MAN) periodically / a certain period if no access candidate (out of one coverage area) for the terminal / vehicle (col. 4 ln. 12-14; col. 6 ln. 19-24; col. 7 ln. 63-67; col. 8 ln. 30-50; fig. 7 step 102). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings by **Jiang**, in the method and device of **Ramaswamy**, in order to avoid disconnection of the mobile user to access networks.

Claims **11, 12, 20, 25** and **26** are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by **Ramaswamy (WO 02/098057 A2)** in view of **Kall et al (U.S Pub 2004/0203914 A1)**.

Consider claims **11, 12, 20, 25** and **26**, as applied to claims **1, 11, 15, 22** and **25**, **Ramaswamy** shows in figure 1, a network-management entity 26 (access selection unit) and the intelligent content (profile) servers 27,28 are in an overall service network connected to internet 30, related to mobility and access handling (clm. 11). However, **Ramaswamy** did not explicitly disclose the service network relating to security or comprising a security server unit with means for communicating with a profile server for authentication, authorization and accounting (AAA) purposes. **Kall et al** disclose an AAA security server 204 authenticates information retrieved from a home subscriber server HSS/HLR 103 or profile server (prgh. 0035; fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings by **Kall et al**, in the method, device and system of **Ramaswamy**, in order to identify subscribers.

Claim **14** and **27** are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by **Ramaswamy (WO 02/098057 A2)** in view of **Sauvage et al (U.S Pub 2004/0098669 A1)**.

Consider claims **14** and **27**, as applied to claims **1** and **22**, **Ramaswamy** discloses claimed invention except explicitly mentioning a profile server sends terminal-

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terminal is about to change from a first to a second access network; and the security server unit transfers security information between security domains associated with the first and second access networks in response to the triggering message. **Mizell et al** disclose as (about) a mobile terminal moves into a foreign network (from a first access network to a second access network), a foreign agent FA (access selection unit as the FA routes network; col. 5 ln. 16-25) triggers an access request 226 to a secure AAA server (col. 5 ln. 34-41/59-61; fig. 2); a home agent HA, through the AAA server, transfers a registration 222 of the mobile terminal's former home address (domain) to a new home address (col. 5 ln. 64-67; col. 6 ln. 1-18; fig. 2 steps 222,242,250). It would have been obvious to one of ordinary skill in the art to incorporate the teachings by **Mizell et al**, in the method and device of **Ramaswamy** as modified by **Kall et al**, in order to authenticate a new user and reduce unnecessary traffic.

Claim 14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by **Ramaswamy** (WO 02/098057 A2) in view of **Sauvage et al** (U.S. Pub 2004/0098669 A1).

Consider claims 14 and 27, as applied to claims 1 and 22, **Ramaswamy** discloses claimed invention except explicitly mentioning a profile server sends terminal-related information to an *application server* in the service network; and the application server adapts an application for the mobile terminal based on the terminal-related information. **Sauvage et al** disclose in a service network (prgh. 0026; fig. 1 items 3,8-10) a profile server (database) 9 sends user agent 1 (terminal-related URI information) the software and hardware RDF files to the application server as the application server

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adapts to the user's requested game with the appropriate frame class (prghs. 0029,0031; fig. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings by **Sauvage et al**, in the method and system of **Ramaswamy**, in order to facilitate applets generation.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by **Ramaswamy (WO 02/098057 A2)** in view of **Mizell et al (U.S Pat 7,230,951 B2)**.

Consider claim 21, as applied to claim 20, is rejected in the same grounds as claim 13.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by **Ramaswamy (WO 02/098057 A2)** in view of **Gress et al (U.S Pat 6,813,507 B1)**.

Consider claim 24, and as applied to claim 22, **Ramaswamy** discloses the intelligent content server (profile) server except explicitly mentioning it provides a unified interface towards its associated databases. **Gress et al** show a server 26, through the internet, provides a unified messaging system interface 30 a,b,c that links to profile databases 22,32 (col. 4 ln. 39-50; *abstract*; fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of a profile server providing a unified interface towards its associated databases as taught by **Gress et al**, in the system of **Ramaswamy**, in order to provide scalability for recognizing multiple communication platforms.

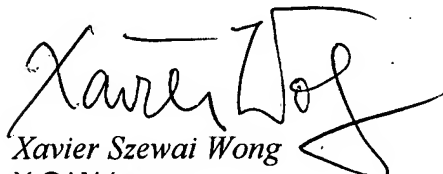
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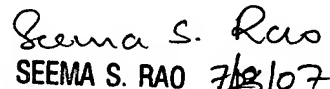
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xavier Wong whose telephone number is 571-270-1780. The examiner can normally be reached on Monday through Friday 8 am - 5 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Xavier Szewai Wong
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15th July 2007


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